

Article - General Provisions

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§4–401.

(a) A person, including an officer or employee of a governmental unit, is liable to an individual for actual damages that the court considers appropriate if the court finds by clear and convincing evidence that:

(1) (i) the person willfully and knowingly allows inspection or use of a public record in violation of this subtitle; and

(ii) the public record names or, with reasonable certainty, otherwise identifies the individual by an identifying factor such as:

1. an address;
2. a description;
3. a fingerprint or voice print;
4. a number; or
5. a picture; or

(2) the person willfully and knowingly obtains, discloses, or uses personal information in violation of § 4–320 of this title.

(b) If the court determines that the complainant has substantially prevailed, the court may assess against a defendant reasonable counsel fees and other litigation costs that the complainant reasonably incurred.

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